

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

SCORPIO 8283 LLC,

Plaintiff,

-against-

MYCA, LLC and 2220 EQUITIES MANAGEMENT
LIMITED PARTNERSHIP,

Defendants.

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: No. 08 CV 510 (CLB)

: **FILED BY ECF**
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NOTICE OF MOTION TO DISMISS THE COMPLAINT

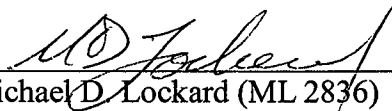
PLEASE TAKE NOTICE, that upon the accompanying Declaration Of Michael D. Lockard In Support Of Defendants' Joint Motion To Dismiss The Complaint, and exhibits attached thereto; Declaration Of Sara Minskoff Allan In Support Of Defendants' Joint Motion To Dismiss The Complaint, and exhibits attached thereto; Declaration Of Royanne Minskoff In Support Of Defendants' Joint Motion To Dismiss The Complaint, and exhibits attached thereto; Memorandum Of Law In Support Of Defendants MYCA, LLC's And 2220 Equities Management Limited Partnership's Joint Motion To Dismiss The Complaint; and Defendants MYCA, LLC's and 2220 Equities Management Limited Partnership's Local Rule 56.1 Statement Of Undisputed Material Facts In Support Of Defendants' Joint Motion For Summary Judgment; the undersigned, on behalf of MYCA, LLC and 2220 Equities Management Limited Partnership, will move this Court before Part 1, at the United States Courthouse, Southern District of New York, 300 Quarropas Street, White Plains, New York 10601 in Courtroom 218 on April 4, 2008, at 9:30 a.m., or such other time or date as the Court desires, pursuant to Rules 12(b)(6), 12(b)(7), 19(b) and 56 of the Federal Rules of Civil Procedure to dismiss plaintiff Scorpio 8283 LLC's

Complaint for failure to join indispensable parties or, in the alternative, to dismiss the
Complaint's second cause of action for a permanent injunction.

Dated: February, 28 2008

Respectfully submitted,

AKIN GUMP STRAUSS HAUER & FELD LLP

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- and -

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